

BELGIUM 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion, and the law prohibits discrimination based on religious orientation. Federal law bans covering one's face in public. Following the March 22 terrorist attacks at the Brussels airport and a metro station in downtown Brussels in which 32 civilians died and another 300 were injured, the government reemphasized its concern over mosques spreading "radical" messages. It intensified its efforts, begun in reaction to the terrorist attacks in Paris in 2015, to encourage more mosques to fulfill the requirements for official recognition, which observers said was a means of increasing government oversight. While the regional and federal governments stated tens of unregistered mosques had applied for recognition, media reports suggested only a few had completed the process. The government allocated funds to pay the salaries of 80 new imams, double the number previously receiving government subsidies. In February the Council of State issued a decision allowing teachers of Islam to wear headscarves at school, even for activities other than teaching, although Flemish community schools refused to implement the ruling. Individual public schools continued to have the right to impose a ban on students wearing religious attire, and most public schools continued policies restricting the wearing of headscarves. Concluding a judicial process lasting 18 years, in March the Brussels Court acquitted the Church of Scientology of the illegal practice of medicine, fraud, organized criminal activity, and the violation of privacy laws.

After ISIS claimed responsibility for the March 22 suicide bombings in Brussels, Muslim community leaders publicly condemned the attacks, but anti-Muslim incidents and protests increased. The media also reported an increase in anti-Muslim statements on social media and online forums. Incidents of discrimination against Muslims continued to occur in the workplace, especially against Muslim women wearing headscarves, which private employers had the right to ban. Reports of anti-Semitic acts and threats declined from 2014 to 2015, the last years for which data was available.

U.S. embassy officers met with government officials in the prime minister's office and at the Ministries of Interior and Foreign Affairs to discuss anti-Muslim and anti-Semitic incidents and discrimination. Embassy officers continued to meet regularly with nongovernment organizations (NGOs) and religious community leaders to discuss the discrimination faced by Muslims and Jews and to promote religious tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 11.4 million (July 2016 estimate).

The government does not collect or publish statistics on religious affiliation, and privacy laws generally restrict their collection or publication. A 2011 report (based on 2009 data) by the King Baudouin Foundation estimates the religious affiliation of the population to be 50 percent Roman Catholic, 33 percent without affiliation, 9 percent atheist, 5 percent Muslim, 2.5 percent non-Catholic Christian, and 0.4 percent Jewish. The Muslim population is highest in Antwerp and Brussels, where some studies estimate it at more than 25 percent of the respective metropolitan areas. According to the report, other religious groups that together constitute less than 5 percent of the population include Buddhists, Hindus, Sikhs, the International Society of Krishna Consciousness, and Scientologists. A 2015 study by the Catholic University of Louvain updates the estimate of the Muslim portion of the population to approximately 7 percent.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of worship (including its public practice) and freedom of expression, provided no crime is committed in the exercise of these freedoms. It states no individual may be barred from religious ceremonies or from observing religious days of rest and bars the state from interfering in the appointment of religious clergy or blocking the publication of religious documents. The constitution requires teaching in public schools to be neutral with respect to religious belief. It obligates the state to pay the salaries and pensions of religious clergy who are certified by the official organizations of recognized religions and are officially employed in recognized houses of worship. The law prohibits discrimination based on religious or philosophical (e.g., nonconfessional) orientation.

Federal law prohibits public statements inciting religious hatred, including Holocaust denial. The maximum sentence for Holocaust denial is one year in prison.

The government officially recognizes Catholicism, Protestantism (including evangelicals and Pentecostals), Judaism, Anglicanism (separately from other Protestant groups), Islam, Orthodox (Greek and Russian) Christianity, and secular humanism.

The requirements to obtain official recognition are not legally defined. The legal basis for official recognition is comprised of the constitution and other laws and interpretations, some of which predate the constitution itself. A religious group seeking official recognition applies to the Ministry of Justice, which then recommends approval or rejection. The government evaluates whether the group meets organizational and reporting requirements and applies criteria based on administrative and legislative precedents in deciding whether to recommend parliament grant recognition to a religious group. The religious group must have a structure or hierarchy, a “sufficient number” of members, and a “long period” of existence in the country. It must offer “social value” to the public, abide by the laws of the state, and respect public order. The government does not formally define “sufficient number,” “long period of time,” or “social value.” Final approval is the sole responsibility of the federal parliament; however, parliament generally accepts the ministry’s recommendation.

The law requires each officially recognized religion to have an official interlocutor, an office comprised of one or more representatives of the religion plus administrative staff, to support the government in its constitutional duty of providing the material conditions for the free exercise of religion. The functions performed by the interlocutor include certification of clergy and teachers of the religion, assistance in the development of religious curriculum, and oversight of the management of houses of worship.

The federal government provides financial support for officially recognized religious groups. The subsidies for recognized groups include payment of clergy salaries, maintenance, and equipment for facilities and places of worship, and tax exemptions. Denominations or divisions within the recognized religious groups (Shia Islam, Reform Judaism, or Lutheranism, for example) do not receive support or recognition separate from their parent religious group. Unrecognized groups outside of these recognized religions do not receive government subsidies but may worship freely and openly.

There are procedures for individual houses of worship of recognized religious groups to obtain recognition and state subsidies. To do so a house of worship must meet requirements set by the region in which it is located and by the federal

Ministry of Justice. These requirements include transparency and legality of accounting practices, renunciation of foreign sources of income for ministers of religion working in the facility, compliance with building and fire safety codes, certification of the minister of religion by the relevant interlocutor body, and a security check. Recognized houses of worship also receive subsidies from the linguistic communities and municipalities for the upkeep of religious buildings. Houses of worship or other religious groups that are unable or choose not to meet these requirements may organize as nonprofit associations and benefit from certain tax advantages (but not government subsidies). Houses of worship in this situation (i.e., not completing the recognition process) may still be affiliated with an officially recognized religious group.

There is a federal ban on covering one's face in public. Women who wear the full-face veil in public face a maximum fine of 137.50 euros (\$150).

The Wallonia and Flanders regional governments, which have jurisdiction over animal welfare, ban animal slaughter without prior stunning in temporary slaughtering facilities in use during Muslim holidays. Certified permanent slaughterhouses in those regions may slaughter animals without prior stunning in accordance with kosher and halal practices. The Brussels regional government this year authorized a new slaughterhouse specifically for slaughter without prior stunning during Muslim holidays.

All public schools offer mandatory religious instruction or, alternatively, "moral" instruction (which is oriented towards citizenship and moral values), although parents in Flemish schools may have their children opt out of such courses. A constitutional court ruling in 2015 allows French community parents to opt out of primary school religion and ethics classes for their children, pursuant to the court's finding those classes not to be "objective, critical, and pluralistic."

Schools provide teachers for each of the recognized religious groups, as well as for secular humanism, according to the student's preference. The public education system requires neutrality in the presentation of religious views outside of religion classes. Teachers of religion are permitted to express their religious beliefs and wear religious attire, even if school policy otherwise forbids such attire. Public school religion teachers are nominated by a committee from their religious group and appointed by the linguistic community government's education minister. Private, authorized religious schools following the same curriculum as public schools are known as "free" schools. They receive government subsidies for operating expenses, including building maintenance and utilities. Teachers in

these schools, like other civil servants, are paid by their respective linguistic community governments.

Unia (the new name for the former Interfederal Center for Equal Opportunity) is an independent but publicly funded agency responsible for litigating discrimination cases, including those of a religious nature.

The justice minister appoints a magistrate in each judicial district to monitor discrimination cases and facilitate prosecution of discrimination as a criminal act.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Following the March 22 terrorist attacks at the Brussels airport and a metro station in downtown Brussels in which 32 civilians died and another 300 were injured, the government reemphasized its concern over “hate preachers” in mosques. It intensified efforts, begun in reaction to the November 2015 Paris terrorist attacks, to counter violent extremism and urged the regional governments to encourage more mosques in their territories to obtain official recognition. Regional government ministers and other observers said fulfillment of the requirements for recognition would strengthen governmental oversight of the mosques taking this step. The federal and regional governments announced plans to encourage a wave of recognitions and allocated funding sufficient to nearly double the number of recognized mosques beyond the currently recognized 81 mosques: 28 in Flanders, 14 in Brussels and 39 in Wallonia. According to the federal and regional governments, tens of mosques were at some stage in the recognition procedure, although media reports suggested only a few had completed the process.

According to press reports, the Turkish Ministry of Religious Affairs (“*Diyanet*”) was regulating the content of religious sermons in its network of mosques in the country and had lobbied the federal and regional governments to allow it to determine the administrative and educational requirements for the appointment of imams and other officials. In addition, the press reported the *Diyanet* monitored and reported information to the Turkish government on persons it suspected of belonging to dissident or terrorist groups. There were also reports the Government of Morocco had lobbied the country’s Muslim institutions to adopt specific religious points of view and pressured those who publicly expressed dissenting points of view.

On March 11, concluding a judicial process lasting 18 years, the Brussels Court acquitted the Church of Scientology of the illegal practice of medicine, fraud, organized criminal activity, and the violation of privacy laws. The Court said the prosecution had failed to prove its case, which the court said was based more on allegations than on facts.

In September the representative of the leading Buddhist organization in the country stated he was hopeful of obtaining recognition of his religious community soon. In September, however, the spokesperson of the Ministry of Justice stated no draft bill providing such recognition was ready to put before the parliament. Despite the lack of recognition of Buddhism, the government continued to provide subsidies to the Buddhist community reportedly in preparation for its recognition as a “nonconfessional philosophical community.”

The Hindu community’s request for recognition remained pending with the Ministry of Justice at the end of the year.

On February 1, the Council of State issued a ruling allowing teachers of Islam to wear headscarves, including for activities in the school other than teaching. The Flemish Community Education Network refused to alter its general ban on the headscarf, arguing the ruling referred to a specific case in a specific school (a school in Flanders where an Islamic teacher was denied the right to wear a headscarf outside her classroom).

Individual public schools continued to have the right to decide whether to impose a ban on religious attire or symbols such as headscarves on schoolteachers, students, and staff. Most public schools continued policies restricting headscarves. Bans on headscarves remained in place in at least 90 percent of public schools sponsored by the francophone community and in virtually all Flemish public schools. Three (out of 98) Brussels public schools allowed headscarves.

In August a school for adult learners in Uccle (Brussels) first forbade two veiled students from taking their exams, and then allowed them to take the exam later the same day. On September 1, the school changed its internal regulations to ban headscarves. The minister for continuing education of the French-speaking community stated the school’s actions were contrary to the objectives of education in general and of social promotion schools in particular. She urged the school to demonstrate a solid rationale for the ban.

The government continued its ban on Muslim women and girls wearing headscarves in public sector jobs requiring interaction with the public.

The largest party in the Flemish government, the New Flemish Alliance (N-VA) proposed a ban on the “burqini” on the country’s beaches in August. Many municipalities had already banned full-body swimsuits in municipal swimming pools. Other politicians publicly criticized the wearing of burqinis while opposing a legal ban, according to public press statements.

The Ministry of Justice allocated just above 100 million euros (\$105.37 million) for clergy salaries and other financial support for recognized religious groups, a small increase from the previous year. Catholic groups continued to receive approximately 85 percent of the total available funding for religious groups, followed by secular humanists (8 percent) and Protestant groups (2.5 percent). Muslims continued to receive approximately 2 percent of the funding. Muslim observers stated the distribution of government subsidies continued not to account for the actual number of practicing believers and the actual level of services required for imams and mosques.

Separately, the government allocated an additional 3.3 million euros (\$3.48 million) to pay the salaries of 80 new imams and double the number of Muslim clergy previously receiving funding. The governments of the francophone community and the region of Wallonia founded a new institute for the education of Muslim clergy and scholars.

Municipalities reportedly continued to allocate more money for the maintenance of local Catholic Church buildings than for the construction or maintenance of other places of worship.

Muslim groups and the federal government reported the Flemish regional government was slow to approve recognition of mosques already approved at the federal level. The Flemish Government cited security concerns.

Muslim groups reported city and town administrations often withheld approval, or were slow to approve construction of new mosques and Islamic cultural centers. For example, in Court-Saint-Etienne city authorities denied an application for the construction of a new mosque three times over the past four years, citing incompatibility with zoning and architectural regulations.

The city of Mechelen allocated a part of the town cemetery for gravesites oriented to the southeast. The city's Muslim residents had long requested the option for Mecca-facing burial.

Some Muslim parents reportedly withdrew their children from Gulenist schools in Flanders following verbal and physical attacks and vandalism of buildings across the country after the July coup attempt in Turkey. Flemish Minister President Geert Bourgeois expressed concern over parents being pressured to remove their children from the Lucerna Schools, saying it should not happen.

The municipality of Molenbeek announced it had closed a small Quranic school for young children. The municipality cited violations of building safety codes and a lack of training of the instructors.

Primary school religion teachers in French-speaking schools reportedly expressed concern registration for their classes would decline following the 2015 constitutional court ruling allowing parents to opt out of religion and ethics classes for their children.

Section III. Status of Societal Respect for Religious Freedom

Representatives of the Muslim community, such as the League of Imams and the Muslim Executive, publicly condemned the March 22 attacks, for which ISIS claimed responsibility. Local and international media accounts contained quotes from numerous Muslim organizations and individual Muslims deploring the attacks. There were also some media reports of isolated groups of Muslims celebrating the attacks. NGOs and other civil society representatives said these reports, including comments by Minister of the Interior Jan Jambon, overstated the number of sympathizers for the attacks.

Both Unia and NGO Collectif Contre l'Islamophobie (CCIB) reported a significant increase in anti-Muslim incidents in the wake of the Brussels attacks. In March individuals characterized in the media as soccer hooligans carried an anti-Islamic State banner and shouted Nazi slogans in a clash with riot police. A bystander was quoted as saying the men were also making "the Nazi salute, shouting 'death to Arabs'." Anti-Muslim protestors also demonstrated in Brussels and Antwerp in April and May.

The media also reported counter-demonstrations against hatred of Muslims. In April police reportedly arrested 24 individuals for going ahead with a banned demonstration against hatred of Muslims.

Incidents of discrimination against Muslims continued to occur in the workplace. Muslim women wearing headscarves said they continued to be targets of discrimination. In January the director of a Brussels school rejected the application of a French language teacher with a common Muslim name for a full time position. When she reapplied the next day, changing her name to a common French name, the school director promptly offered her an appointment. Confronted with the facts, the school director stated the position had been closed but then re-opened.

Private employers continued to have the right to ban religious attire such as headscarves if they believed such attire would interfere with the performance of an employee's duties. Employers said the law justified such restrictions based on a written company policy of "religious neutrality."

Preliminary figures from Unia on workplace discrimination during the year showed 88 complaints based on religious discrimination, compared to 46 in 2015. In terms of overall religious discrimination and harassment, Unia reported it had received 330 complaints in 2015, the most recent year for which comprehensive data was available, although this did not include anti-Semitic incidents. This total compared with 297 such complaints reported by Unia in 2014. Ninety-one percent of the religious discrimination or harassment complaints in 2015 concerned Muslims. The vast majority of the complaints involved hate speech on the internet, but many cases concerned labor or education issues. Fifty-five percent of incidents were media-related, 14 percent labor-related and 11 percent school-related.

In the wake of the Paris and Brussels terrorist attacks, media reported increases in anti-Muslim statements on social media and online forums, and in public opinion surveys. As part of a survey measuring public trust in government institutions, involving interviews conducted with a sample of citizens during 2015 and again during the current year, questions concerning the influx of immigrants revealed 63 percent of ethnic Belgians (Flemings and Walloons) stated they were "afraid" of the influx of refugees into Europe because the refugees were Muslim. The survey, which was commissioned by the French-language daily newspaper *Le Soir* and the French-language public broadcaster RTBF, also included interviews with a sample of Muslim citizens, who were questioned about whether they "liked" Western culture, the Western way of life, and other issues. Although 91 percent of the Muslim citizens surveyed condemned the terrorist attacks, media coverage

highlighted the 33 percent who allegedly preferred another type of political system. Some survey researchers criticized the wording of the questions measuring this sentiment as unclear and potentially slanting the results.

Anti-Semitic acts and threats recorded by Unia decreased from 130 in 2014 to 57 in 2015, the last year for which data was available. According to academic and other observers and press reporting, segments of the Muslim community continued to be responsible for most anti-Semitic activity. Unia attributed the decline to the increased security at Jewish institutions, which it said probably discouraged potential perpetrators.

Jewish groups reported there were anti-Semitic statements and attitudes in the media, especially but not exclusively related to the government of Israel and the Holocaust. Jewish pupils also reportedly faced anti-Semitic abuse in public schools. In one case, the mother of a 12-year-old filed a police complaint in June reporting anti-Semitic bullying at a school in the Brussels suburbs, including jokes referencing the Holocaust, which had taken place over two years. LBCA president Joel Rubinfeld stated it was one of several recent anti-Semitic bullying incidents in schools. The education board continued to investigate the case as of year's end.

In March a visiting Dutch rabbi told the Jewish Telegraphic Agency that stones were thrown at him and a friend by unseen individuals while he was walking through a park in the south of Brussels. He said he thought the stones were thrown at him because he was "visibly Jewish." No one was hurt in the incident.

In July during a tennis tournament, as two players were arguing over a point, one of them shouted to his opponent "They should have gassed you all."

In August media reported the 15-year old son of an imam published a video calling for the "murder of all Christians." While the son later reportedly expressed regret for the video and said he had used the wrong words, the incident again called attention to his father. In November the father, who was not a Belgian citizen, was deemed a "hate preacher" by the authorities and was ordered to leave the country. He left the country later in November.

Section IV. U.S. Government Policy

Embassy officers met with representatives from the prime minister's office; the ministries of foreign affairs, interior, and justice; and the regional governments to discuss anti-Muslim and anti-Semitic incidents, foreign government pressure on

the country's Muslims, the prospects for official recognition of Buddhism and Hinduism, and plans for recognition of additional places of worship. The State Department's Special Representative to Muslim Communities visited in March and met with officials at the ministries of justice and interior. He discussed efforts to strengthen tolerance in civil society and the country's relations with Muslim majority countries.

Embassy officers continued to engage leaders and activists within the Catholic, Muslim, and Jewish communities to promote interreligious understanding. Embassy officers continued to meet regularly with NGOs monitoring incidents of religious discrimination. Embassy also continued to discuss anti-Muslim and anti-Semitic incidents and discrimination with religious community leaders.

During his visit, the State Department's Special Representative to Muslim Communities also organized workshops for civil society groups concerned with discrimination and freedom of religious expression. In June another visiting U.S. government official met with Jewish community representatives and the European Network Against Racism to discuss anti-Muslim and anti-Semitic sentiment.

The embassy sponsored the visit of a U.S. imam, who met with several activists and Muslim representatives to discuss recent developments in the country's Muslim community.

The embassy financially supported programs promoting interfaith dialogue and antidiscrimination among Brussels youth. Both programs brought together Muslim and Jewish youth, along with youth adhering to other religions or to no religion, to learn about their common heritage and citizenship.